

REMARKS

Further to the telephone discussions with the Examiner, early reconsideration and allowance of the present application are most respectfully requested. As discussed with the Examiner on April 23, 2004, prior to issuing an Office Action, the Examiner is requested to contact the undersigned to discuss the present Amendment in detail with the undersigned.

Rejections Under 35 U.S.C. 112, Second Paragraph

On pages 2-4 of the Office Action, the Patent Office rejected the claims under 35 U.S.C. 112, second paragraph. Once again, these rejections are most respectfully traversed. It is most respectfully submitted that upon careful review, the Examiner should appreciate the appropriateness of the language employed. In this response, claim 1 is amended so as to cosmetically enhance the language employed. This should make it easier to read. It should be appreciated, however, that these amendments do not alter the scope of the claims and should not in any way limit the broadest reach of the claims under the doctrine of equivalents.

Although the Patent Office has indicated that the claim language is "nonsensical," it is most respectfully noted that the claim language is parallel to language employed in

the present specification. The Examiner is requested to re-read the specification should the Examiner not appreciate the terms used.

With respect to the Examiner's remarks that "Applicant has failed to establish specific sorting steps," this statement is most respectfully traversed. First, the claims, as presented are clear and sufficient. To facilitate the Patent Office's appreciation, claim 1 now moves the following language from the preamble to the body of the claim: "subjecting the group of objects in a plurality of successive sorting steps to a sorting treatment." It should be noted that this language was already part of the claim and, hence, there is no change in the claim scope by moving this to the body. However, perhaps the Patent Office overlooked this language.

With respect to the Examiner's remarks regarding antecedent bases, the present claims clearly set forth the antecedence. It is noted, however, that such antecedence was already readily apparent based on the claim language and the disclosure.

With respect to the Examiner's remarks regarding the language in claim 6 related to "-maintaining the relevant source storage area sequence for all further sorting steps-" it is respectfully noted that this language is not a parenthetical comment. It is respectfully submitted that parenthetical comments require parentheses.

With respect to the Examiners remarks regarding the use of “either” and “or,” it is submitted that this use of the claim language employed is clearly appropriate. The alternatives employed are very clear alternatives which are analogous to, e.g., terms like “left or right,” “up or down” or the like. Based on the present disclosure, this language should be very clear. Again, the Examiner is requested to carefully review the disclosure once again.

With respect to the Examiner’s objections to language such as, e.g., “relevant,” “respective” and the like, it is most respectfully submitted that all such language has clear antecedence in the specification and would be clear to those in the art. While the Patent Office may prefer other language, the present language is still proper.

With respect to the Examiner’s questions regarding “how the sorting criterion is established,” it is most respectfully noted that the claim clearly recites “a sorting criterion as to whether the order number of the respective object has or would have a zero or a one in its binary representation at a point that depends on a relevant sorting step.” Thus, there is no issue regarding the establishment of the sorting criterion because these recitations are already recited.

Withdrawal of these rejections under 35 U.S.C. 112, second paragraph are most respectfully requested.

Rejections Based On References

On pages 4-5 of the Office Action, claims 1 and 6-9 were again rejected under 35 U.S.C. 102(b) over Smith, et al., and claims 2-3 were again rejected under 35 U.S.C. 103 over Smith, et al., in view of Hart. These rejections are again respectfully traversed.

It is respectfully noted that the Examiner has improperly disregarded the features added to claim 1 in the last response – i.e., “providing each sorting step with a new pair of first and second storage areas” in a manner similar to that shown in, e.g., FIG. 1. The Smith, et al., reference clearly does **not** show such features. Moreover, the Smith, et al., reference clearly does not show the further limitations recited in dependent claims 8 and 9 (i.e., the “end-to-end” alignment in claim 8 and the “linear” alignment in claim 9).

Previously, on the telephone, the Examiner expressed that the Examiner did not appreciate that claim 1, as previously amended, was intended to relate to, inter alia, the embodiment shown in FIG. 1 rather than to an embodiment employing a recirculation loop in the manner shown in Smith. To better appreciate this, the comments submitted in the Amendment filed on July 28, 2003 at pages 14 to 15 regarding claims 1 and 6-7 should be carefully reviewed by the Examiner.

Thus, the reference does not teach or suggest the features recited in claim 1. Claim 1 should, thus, be allowable. In addition, claims 2-3 and 6-9 depend directly or

indirectly from claim 1 and, thus, should also be allowable. In addition, these dependent claims also recite other features that are not taught or suggested by the claims.

Withdrawal of these rejections is most respectfully requested.

Improper Withdrawal of Newly Added Claims

On page 6, the Examiner withdrew (dismissed) claims 10-23 as allegedly being directed to an invention that is unrelated to the invention originally claimed. It is respectfully submitted that the Examiner's withdrawal of consideration is improper. Among other things, these claims were amended to present additional language that may be deemed acceptable to the Examiner. In fact, at least some of the withdrawn claims may even be more relevant to the "invention originally claimed" than the claims that were just examined because the certain of the withdrawn claims do not recite features related to, inter alia, the embodiment shown in FIG. 1 of the present application.

As discussed above, claim 1 as now amended relates to, inter alia, the embodiment shown in FIG. 1 rather than to an embodiment employing a recirculation loop in the manner shown in Smith. Similarly, claims 11, 12, 13, 15, 16, 17, 20, 22 and 23 are each relate to, inter alia, the embodiment shown in FIG. 1. Thus, the Patent Office's refusal to consider these newly added dependent claims is perplexing since they are directed to similar subject matter. While the scope of the claims is clearly varied and while they employ different language (and should be construed separately), it is respectfully submitted that they should be examined together in this application.

As indicated, these additional claims were provided in part to submit additional claim language that the Patent Office may prefer in view of the Patent Office's objections

to the language employed. Thus, the Patent Office has actually refused to consider claims that were provided as a response to objections that it raised.

It appears that this improper withdrawal from consideration stems from the Patent Office's misunderstanding of the present invention as claimed. Accordingly, careful reconsideration is most respectfully requested.

Withdrawal of this election/restriction is most respectfully requested.

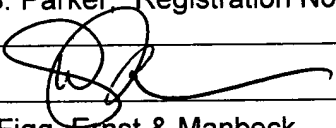
Objections to the Specification

In response to the objections to the specification on page 6 of the Office Action, section headings have been added as requested.

Withdrawal of these objections is respectfully requested.

Concluding Remarks

In view of the foregoing amendments and remarks, early reconsideration and allowance are respectfully requested. All fees due, including the one-month extension fee, should be charged to our Deposit Account No. 02-2135.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Stephen B. Parker, Registration No. 36,631				
SIGNATURE				DATE	4/23/04
ADDRESS	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
CITY	Washington	STATE	D.C.	ZIP CODE	20005
COUNTRY	U.S.A.	TEL.:	(202) 783-6040	FAX	(202) 783-6031